

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DOC #:

DATE FILED: 10/22/07

JUDGE CASTEL

-----X  
AUSTRALIA BUNKERING PTY LTD.,

Plaintiff,

-against-

UBS PROVEDORES PTY LTD. a/k/a USS-UBS  
INTERNATIONAL and RAECORP. INTERNATIONAL  
PTY LTD.,

Defendants.  
-----X

07 CIV 9412

ORDER FOR ISSUANCE OF  
AN AMENDED WRIT OF  
ATTACHMENT  
AND GARNISHMENT

UPON reading the Verified Complaint, for issuance of process of maritime attachment and garnishment pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure ("Supplemental Rule B"), and the affidavits and papers submitted in support thereof, and the Court finding that the conditions for an action under Supplemental Rule B appear to exist;

NOW, upon motion of Peckar & Abramson, P.C., attorneys for plaintiff, it is hereby

ORDERED that the Clerk issue process of attachment and garnishment pursuant to Supplemental Rule B as prayed for in the Amended Verified Complaint in the amount of \$1,544,460.16 against all goods, chattel, credits, letters of credit, bills of lading, debts, effects and monies, funds, credits, wire transfers, accounts, electronic fund transfers, freights, sub-freights, charter hire, sub-charter hire, or any other tangible or intangible property belonging to, claimed by, being held for or on behalf of, or being transferred for the benefit of UBS Provedores Pty Ltd. and/or USS-UBS International and/or Raecorp. International Pty Ltd., by any garnishee within this district, including, *inter alia*, funds or account held in the names of UBS Provedores Pty Ltd. and/or USS-UBS International and/or Raecorp. International Pty Ltd. with the following financial institutions:

Bank of America, N.A.

The Bank of New York

Citibank N.A.

Deutsche Bank Trust Company Americas

HSBC Bank USA, N.A.

JPMorgan Chase Bank, N.A.

UBS AG Wachovia Bank, N.A.

Societe Generale

Standard Chartered Bank

BNP Paribas

Calyon Investment Bank

American Express Bank

Commerzbank

ABN Amro Bank

Bank Leumi USA

Fortis Financial Groups

Banco Popular; Travelex, Ltd

and it is further

**ORDERED** that said Order will be equally applicable to any other garnishees upon whom a copy of the Process of Maritime Attachment and Garnishment may be served, in an amount up to and including 1,544,406.16, pursuant to Supplemental Rule B; and it is further

**ORDERED** that any persons claiming an interest in the property attached or garnished pursuant to this Order and the process of maritime attachment and garnishment shall, upon application to this Court, be entitled to a prompt hearing at which plaintiff shall be required to

show why the attachment and garnishment should not be vacated or other relief granted; and it is further

**ORDERED** that supplemental process enforcing this Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further

**ORDERED** that following initial service upon any garnishee by the United States Marshal or any other person designated or authorized by Order to make service in this action, subsequent or supplemental service of Process of Maritime Attachment and Garnishment may thereafter be made by way of facsimile transmission or other verifiable electronic means, including email, to each garnishee so personally served; and it is further

*provided they  
consent to  
same*

**ORDERED** that service on any garnishee herein be deemed to be effective and continuous service throughout the remainder of the day upon which such service is made commencing from the time of such service through the opening of garnishee's business the next business day; and it is further

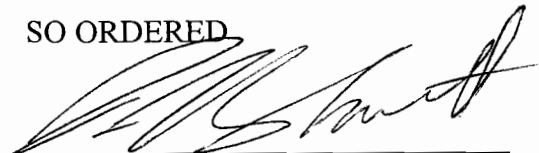
*provided garnishee  
consent to same.*

**ORDERED** that a copy of this Order be attached to and served with the said process of maritime attachment and garnishment; and it is further

**ORDERED** pursuant to Rule 4(c)(1) of the Federal Rules of Civil Procedure that the writs of attachment and garnishment may be served by any person, who is not less than 18 years of age, and who is not a party to this action.

Dated: New York, New York  
October 19, 2007

SO ORDERED

  
\_\_\_\_\_  
U.S.D.J.